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Situation of human rights in the Democratic People's Republic of Korea

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 72/188 on the situation of human rights in the Democratic People's Republic of Korea. It provides an overview of the human rights situation in the country from September 2017 to July 2018 and of the Government's engagement with the United Nations in that regard.

While information gathered reveals a continuing pattern of serious human rights violations, the alleviation of tensions in the Korean Peninsula provides an opportunity for constructive engagement by all stakeholders to improve the human rights situation in the Democratic People's Republic of Korea. The report provides recommendations to the Government of the Democratic People's Republic of Korea and the international community to address endemic human rights issues and improve the situation of human rights in the country.

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I. Introduction

1. The present report provides an update on the human rights situation in the Democratic People's Republic of Korea since the submission of the report of the Secretary-General to the seventy-second session of the General Assembly (A/72/279). It focuses on the rights to life, liberty and security of the person, and to a fair trial; the right to freedom of movement; the right to freedom of expression and access to information; the issues of international abductions and separated families; the rights to food and health; and the rights of children, persons with disabilities and women.

2. The continued lack of access to the country and severe restrictions on seeking and receiving independent information made it difficult to obtain comprehensive and up-to-date information on these issues. Nevertheless, the information gathered by the Office of the United Nations High Commissioner for Human Rights (OHCHR) through interviews with individuals who have left the Democratic People's Republic of Korea, from United Nations agencies and other organizations working in the country and from credible secondary sources continues to point to persisting patterns of serious human rights violations.

3. The report also provides an overview of the activities of the United Nations relevant to the human rights situation in the Democratic People's Republic of Korea and of the engagement of the Government with the United Nations in that regard.

4. In the report, the Secretary-General reiterates his call for the constructive engagement of the Government to address human rights issues and makes recommendations to the Government of the Democratic People's Republic of Korea and the international community aimed at improving the human rights situation.

II. Political context

5. During the second half of 2017, tensions in and around the Korean Peninsula heightened following the launch of ballistic missiles by the Democratic People's Republic of Korea on 29 August, 15 September and 29 November, with missiles launched in August and September flying over Japanese territory. On 3 September 2017, the Government of the Democratic People's Republic of Korea announced that it had tested a hydrogen bomb capable of being loaded onto an intercontinental ballistic missile.

6. In contrast, the first half of 2018 witnessed a series of diplomatic initiatives that steadily alleviated tensions and provided a context for political engagement and raised hopes for increased regional stability. In his New Year's Day address, the leader of the Democratic People's Republic of Korea, Kim Jong Un, announced the participation of his country in the Winter Olympics in the Republic of Korea, which was welcomed by the President of the Republic of Korea, Moon Jae-in. On 9 January 2018, the inter-Korean communications channel, including a military telephone hotline, was formally restored after two years of interruption. On 9 February, both Korean teams entered the Winter Olympics opening ceremony under a joint flag.

7. The momentum created through the Pyeongchang Winter Olympics led to a continuation of high-level talks between the Democratic People's Republic of Korea and the Republic of Korea. On 21 April, Kim Jong Un announced the suspension of nuclear tests and intercontinental missile launches. On 27 April, the first inter-Korean summit in 11 years took place, with President Moon Jae-in and Chairman Kim Jong Un meeting for the first time and symbolically setting foot together on the territory of both countries. The summit ended with the Panmunjom Declaration, whereby the two leaders announced the beginning of a "new era of peace". The

declaration contains provisions to improve inter-Korean relations, alleviate military tensions and establish a permanent and solid peace regime on the Korean Peninsula.[1]

8. On 12 June, President Donald Trump of the United States of America and Chairman Kim Jong Un held a summit in Singapore, the first-ever meeting of the two countries' leaders. The Presidents signed a joint statement agreeing to security guarantees for the Democratic People's Republic of Korea; new peaceful relations; a reaffirmation of a commitment to complete denuclearization of the Korean Peninsula; and the recovery of the remains of United States military personnel killed during the Korean War.[2] At the end of the summit, President Trump announced that the United States would suspend joint military exercises planned with the Republic of Korea.

9. The Secretary-General welcomed the decision of the Government of the Democratic People's Republic of Korea to suspend nuclear testing and missile launches as an important contribution to building trust and to the peaceful denuclearization of the Korean Peninsula.[3] He saluted the courage and leadership which had led to the Panmunjom Declaration and urged the parties to act swiftly on implementation. He pledged his commitment and readiness to assist in those processes.[4] The Secretary-General also expressed support for the Singapore summit "as an important milestone in the advancement of sustainable peace and the complete and verifiable denuclearization on the Korean Peninsula" and reiterated that "relevant parts of the United Nations system stand ready to support this process".[5]

10. The ongoing rapprochement further underscores the necessity for the Democratic People's Republic of Korea to address the serious violations of human rights documented in this and previous reports. If such violations remain unaddressed, they may undermine prospects for durable peace and stability in the Korean Peninsula and the region. It is also an opportunity for those engaging with the Democratic People's Republic of Korea to ensure, in accordance with relevant Security Council resolutions, that the welfare and inherent dignity of the people in the Democratic People's Republic of Korea are at the centre of any negotiations to denuclearize the Korean Peninsula and to establish durable peace and stability in the region.

11. The Secretary-General reiterates his offer of full support from the United Nations system for this process, including through provision of technical expertise to assist in the promotion and protection of the human rights of people living in the Democratic People's Republic of Korea.

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[1] Panmunjom Declaration for Peace, Prosperity and Unification of the Korean Peninsula, 27 April 2018, available at www.unikorea.go.kr/eng_unikorea/news/news/?boardId=bbs_0000000000000033&mode=view&cntId=54394&category=&pageIdx=3.

[2] Joint statement of President Donald J. Trump of the United States of America and Chairman Kim Jong Un of the Democratic People's Republic of Korea at the Singapore Summit, 12 June 2018, available at www.whitehouse.gov/briefings-statements/joint-statement-president-donald-j-trump-united-states-america-chairman-kim-jong-un-democratic-peoples-republic-korea-singapore-summit/.

[3] Statement attributable to the Spokesman for the Secretary-General on the Korean Peninsula, 21 April 2018 (www.un.org/sg/en/content/sg/statement/2018-04-21/statement-attributable-spokesman-secretary-general-korean-peninsula).

[4] Statement attributable to the Spokesperson for the Secretary-General on the Inter-Korean Summit, 28 April 2018 (www.un.org/sg/en/content/sg/statement/2018-04-27/statement-attributable-spokesperson-secretary-general-inter-korean).

[5] Statement attributable to the Spokesman for the Secretary-General on the Summit between the leaders of the Democratic People's Republic of Korea and the United States of America, 12 June 2018 (www.un.org/sg/en/content/sg/statement/2018-06-12/statement-attributable-spokesman-secretary-general-summit-between).

III. Overview of the situation of human rights in the Democratic People's Republic of Korea

A. Rights to life, liberty and security of the person, and right to a fair trial

12. Reports of serious violations of the rights to life, liberty and security of the person continued to be received throughout the period.

13. Former detainees in the Democratic People's Republic of Korea interviewed by OHCHR and others described the precarious conditions in pre-trial detention facilities and prisons that, in many cases, amounted to ill-treatment or torture. They also reported that inadequate access for detainees to food and nutrition was common, frequently leading to malnutrition. Former detainees also reported instances of shortages of water for washing and drinking in the cells. There also were reports of deaths in detention owing to lack of adequate medical care and malnutrition.

14. Former detainees further reported that when detainees die in custody, their corpses are folded, placed in burlap sacks and buried in shallow graves close to the detention facilities, with no information about their fate provided to families.

15. Former detainees also reported beatings during interrogation or as a punishment for not following prison rules, for example, moving in the cell when ordered to sit still for extended periods of time. Forced labour appears to be routine for people kept in pre-trial holding cells (jipkyulso) and for prisoners in short-term labour camps (rodongdanryundae), ordinary prisons (kyohwaso) and political prisons (kwailiso). In most cases, this consists of hard manual labour, either as mobilized labour in the community, in the case of short-term labour camps, or on the prison grounds. Such forced labour often includes construction of roads and buildings and agricultural work. The physical demands of labour imposed on prisoners are exacerbated by inadequate food rations.

16. The right to a fair and independent trial is not guaranteed. In some cases, former detainees described having only a brief meeting with a lawyer prior to their trial. During that meeting, the lawyer would inform them of the charges they faced, but reportedly would not make efforts to prepare a defence. Accounts by former detainees, and people who witnessed trials, indicate that lawyers would rarely defend detainees during trials and, in some cases, would provide information in support of the prosecution's case. Individuals interviewed by OHCHR were convicted by a judge following trials often lasting less than an hour.

17. Interviews with former detainees showed that in cases where the accused was facing a sentence of no longer than six months in a short-term labour camp, conviction and sentences were summarily imposed without trial, based on a review by the authorities of the detainee's record.[6] Corruption is reportedly rampant in the criminal justice system, with former detainees reporting having paid bribes to secure a less severe sentence.

18. Reports of the continued existence of large political prison camps where people serve lengthy or life sentences are grounds for grave concern. Conditions in those camps are reported to be extremely poor, with insufficient food provided and prisoners forced to carry out hard manual labour. The Government continues to deny the existence of such camps. No former inmates of these camps are known to have left the Democratic People's Republic of Korea during the reporting period.

[6] In accordance with the Administrative Penalty Law (2004, 2011 revision), articles 14 and 16.

19. On 2 October 2017, the trial of two women (an Indonesian and a Vietnamese) accused of murdering Kim Jong Nam, the older half-brother of DPRK leader Kim Jong Un, commenced in Shah Alam High Court in Malaysia. A Malaysian police investigation found that he had been poisoned by the banned chemical agent VX. Both women pleaded not guilty to the charges. The women face a possible death sentence.

20. According to the Ministry of Unification of the Republic of Korea, as at 28 June, six citizens of the Republic of Korea were detained in the Democratic People's Republic of Korea: Kim Kuk-gi and Choi Chun-gil (sentenced to an indefinite period of labour in 2015); Kim Jeong-wook (sentenced to life imprisonment in 2014); three former citizens of the Democratic People's Republic of Korea, Kim Won-ho (detained in March 2016), Ko Hyon-chol (whose arrest was made public in July 2016) and another individual whose name is not known. Ham Jin-woo, also a former citizen of the Democratic People's Republic of Korea, and a reporter with the South Korean news site Daily NK, was reportedly abducted from China on 29 May 2017 and is also believed to be detained in the Democratic People's Republic of Korea.

21. On 9 May, authorities of the Democratic People's Republic of Korea released three citizens of the United States of America: Kim Dong-chul, who had been sentenced to 10 years' imprisonment in 2016; and Kim Sang-duk and Kim Hak-song, who were detained on 21 April and 7 May 2017, respectively, having been accused of committing "hostile acts". On 26 April 2018, the parents of Otto Frederick Warmbier filed a civil lawsuit against the Democratic People's Republic of Korea in a Federal Court in the United States of America, seeking damages for hostage-taking, torture and extrajudicial killing, wrongful death, intentional infliction of emotional distress and assault and battery. On 12 June 2017, Mr. Warmbier had been released in a comatose state, after more than 17 months in detention. He was medically evacuated to the United States, where he died on 19 June 2017. The Government of the Democratic People's Republic of Korea claimed he had fallen into a coma after contracting botulism.[7]

22. The Secretary-General calls upon the Government of the Democratic People's Republic of Korea to urgently take steps to ensure that conditions in detention conform to minimum standards for the treatment of persons in detention, and that trials uphold minimum standards for fair trial. He urges the Government to review all cases of citizens of the Republic of Korea currently held in the Democratic People's Republic of Korea and to release them on humanitarian grounds or where it is found that they were imprisoned owing to the peaceful exercise of their rights.

B. Right to freedom of movement

23. The Government of the Democratic People's Republic of Korea has continued to impose severe restrictions on freedom of movement for both internal and external travel, with citizens required to obtain permission to travel within the country (see A/72/279, paras. 16 and 17).

24. Exercise of the right to leave and enter one's country is strictly limited and controlled. The Criminal Law imposes up to one year of imprisonment, or up to five years in grave cases, for illegal border crossing. Leaving the Democratic People's Republic of Korea exposed people to grave risks. Information gathered by OHCHR indicates that cases in which individuals sought to travel to the Republic of Korea, came into contact with persons from the Republic of Korea or stayed for longer periods in China were considered more serious. In 2017, 1,127 citizens of the Democratic People's Republic of Korea, including 939 (83 per cent) women, arrived

[7] See A/72/279, para. 13. Otto Frederick Warmbier was detained on 2 January 2016.

in the Republic of Korea.[8] Individuals interviewed by OHCHR described security at the border as increasingly tight, resulting in a decrease in the number of people leaving the country. The vast majority of people crossing the border relied on "brokers" who, in many cases, were traffickers. Many women who had crossed the border described that they were forcibly married and subjected to other forms of sexual abuse. OHCHR also received information about individuals who had irregularly crossed the border with China and were forcibly returned and subjected to detention, torture, sexual harassment and other forms of ill-treatment.

25. During the reporting period, according to available information, two soldiers left the Democratic People's Republic of Korea by crossing the armistice line separating it from the Republic of Korea.[9] On 13 November, one was shot and injured as he crossed into the Republic of Korea. The second soldier managed to cross on 21 December.

C. Right to freedom of expression, access to information and freedom of association and peaceful assembly

26. The right to freedom of expression, access to information and freedom of association and peaceful assembly remained severely restricted. Those who criticize the authorities remain at risk of imprisonment in ordinary or political prisons or expulsion from cities to remote areas of the country where conditions of life are difficult and they may be subjected to economic hardship, forced labour in farming or manual work and limited access to services such as health care and education.

27. Although the Constitution guarantees the rights to freedom of speech, the press, assembly, demonstration and association (article 67), a pervasive surveillance system, and the prospect of detention or imprisonment in case of criticism of the Government or the leadership, inhibit meaningful freedom of expression. In Hyesan city, Ryanggang Province, the authorities reportedly issued decrees to ban gatherings of more than three people, apparently to prevent complaints about an increasingly difficult economic situation.

28. Access to information remains restricted, with punishment imposed on those found to have received or to possess material not authorized by the authorities, in particular information from the Republic of Korea. The 2015 Criminal Code (article 183) criminalizes the introduction or distribution of "corrupt culture", which, in "more serious cases", carries up to 10 years of labour reform. Yet, many people living in the provinces along the border with China do access information from abroad, including on USB sticks. OHCHR also received information that people found to be in possession of unauthorized materials in some cases are able to avoid punishment by paying a bribe to local law enforcement authorities.

29. According to information received by OHCHR, the authorities have continued a crackdown on mobile phones that have not been authorized by the Government. The authorities reportedly use jamming equipment as well as monitoring of mobile phones. Mobile phones are often used to facilitate irregular travel across the border with China, contact with relatives in the Republic of Korea or inflow of information from outside the country. The Criminal Code (article 222) imposes up to five years of

[8] Website of the Ministry of Unification, Republic of Korea, at www.unikorea.go.kr/unikorea/business/NKDefectorsPolicy/status/lately/.

[9] United States Forces Korea, "Armistice rules in effect throughout DMZ", press release, 21 December 2017 (www.usfk.mil/Media/Press-Releases/Article/1401738/armistice-rules-in-effect-throughout-dmz/) and "North Korean defection update, video release", 21 November 2017 (www.usfk.mil/Media/Press-Releases/Article/1379075/north-korean-defection-update-video-release/).

imprisonment for "unlawful international communication" in cases that are considered serious, for example, for individuals engaged in helping people to leave the country.

D. International abductions and separated families

30. Through the Panmunjom Declaration, the leaders of the Democratic People's Republic of Korea and the Republic of Korea agreed to "swiftly resolve humanitarian issues that resulted from the division of the nation". In particular, they agreed to a reunion event for separated families, scheduled in August 2018, which will be the first reunion event to take place since October 2015.

31. Since the end of the Korean War (1950–1953), 132,484 persons in the Republic of Korea have applied for unification with their relatives in the Democratic People's Republic of Korea. Of those, only 57,059 are still alive and seeking reunion, and most are above the age of 80.[10]

32. Since reunion events started in 2000, only 2,325 families have been able to meet relatives on the other side of the border. Moreover, the infrequent nature of these events, the limited number of participants and the advanced age of those who have been separated has caused anguish and suffering, as those who participate are not likely to meet their relatives again. The rights of separated families should be addressed holistically, allowing for permanent contact and communication.

33. In May 2017, the National Committee on Investigating Abductions during the Korean War[11] issued a "Report on abductions during the Korean War", about the abduction of 95,456 civilians during the war whose fate and whereabouts remain unknown. In March 2018, the civil society organization Korean War Abductees Family Union uncovered a document issued by the Office of the Zone Staff Judge Advocate of the Headquarters of the Korean Communications Zone in 1953, which details and analyses the massacre, in October 1950, of 1,800 to 2,000 civilian prisoners (formerly officials of Seoul and Kaesong, in South Pyongan Province) by soldiers from the Democratic People's Republic of Korea. According to this document, the victims are buried in mass graves in South Pyongan Province.[12] At its 114th session, held in Geneva from 5 to 9 February 2018, the Working Group on Enforced or Involuntary Disappearances of the Human Rights Council transmitted four cases of wartime abductees to the Government of the Democratic People's Republic of Korea (see A/HRC/WGEID/114/1, para. 37).

34. No progress has been made in establishing the fate of 516 individuals from the Republic of Korea who, according to the Government of the Republic of Korea, were abducted by the Democratic People's Republic of Korea after the Korean War. There has been no progress either in the investigation into the fate of Japanese nationals in the Democratic People's Republic of Korea, including abductees, and of abductees from other countries. Twelve Japanese citizens abducted in the 1970s and 1980s are still missing. The authorities of the Democratic People's Republic of Korea claim that eight of them died and that the four others never entered the country.

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[10] Website of the Ministry of Unification, Republic of Korea, at https://reunion.unikorea.go.kr/reuni/home/pds/reqststat/list.do?mid=SM00000129.

[11] The National Committee on Investigating Abductions during the Korean War was established by the Government of the Republic of Korea in 2010 in accordance with the Act on Finding the Truth of the Damage from North Korea's Abduction during the Korean War and Recovering Honor of the Victims (2010). It consists of members from the Government and non-government actors and is chaired by the Prime Minister of the Republic of Korea.

[12] Headquarters Korean Communications Zone, Office of the Zone Staff Judge Advocate APO 234, Legal Analysis of Korean War Crimes Case Number 141, 15 June 1953.

35. On 10 May, South Korean news channel JTBC broadcast an interview with the manager of a restaurant in China, who arrived in the Republic of Korea in April 2016 with 12 women from the Democratic People's Republic of Korea. He stated: "It was luring and kidnapping, and I know because I took the lead". The Government of the Democratic People's Republic of Korea has consistently alleged that the women were abducted while the Government of the Republic of Korea has stated they were living freely in the country. In a press briefing following his visit to the Republic of Korea from 2 to 10 July, Tomás Ojea Quintana, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, recommended that the Government of the Republic of Korea undertake an "independent investigation and hold to account those responsible" and "respect the decision of the victims... about their future", while noting that "if they were taken against their will, that might be a crime". OHCHR continues to monitor the case.

36. In their joint statement of 12 June following their summit, the Presidents of the Democratic People's Republic of Korea and of the United States of America committed to recovering the remains of prisoners of war and those missing in action since the Korean War, including the immediate repatriation of those already identified. Officials of the Democratic People's Republic of Korea have reportedly indicated that they are in possession of up to 200 sets of remains of military personnel from the United States.[13] The Government of the Democratic People's Republic of Korea has reportedly also engaged with Turkey to initiate the identification and repatriation of the remains of 487 Turkish soldiers believed to have died in the Democratic People's Republic of Korea during the Korean War.

37. The Secretary-General welcomes the reunion of separated families scheduled to take place in August, and encourages the Democratic People's Republic of Korea and the Republic of Korea to ensure that this leads to the development and implementation of mechanisms allowing relatives in the two countries to remain in contact and reunite freely, on an ongoing basis.

38. The Secretary-General urges the Government of the Democratic People's Republic of Korea to clarify the fate of individuals abducted from the Republic of Korea, Japan and other countries.

E. Right to food

39. The Democratic People's Republic of Korea continued to be affected by chronic food insecurity, early childhood malnutrition and nutrition insecurity. According to the 2017 Global Hunger Index, which tracks and measures hunger worldwide, the country had a score of 28.2, which is classified as "serious".[14] Around 10.3 million people — 41 per cent of the population — are undernourished, and 60,000 children suffer from severe acute malnutrition.[15] Dietary quality for many people is poor, with limited consumption of protein, fat and micronutrients. In 2017, 40,000 severely

[13] Defense POW/MIA Personnel Accounting, Department of Defense of the United States of America, "Progress on Korean War personnel accounting", 18 June 2018. Available from www.dpaa.mil/Resources/Fact-Sheets/Article-View/Article/569610/progress-on-korean-war-personnel-accounting/.

[14] *2017 Global Hunger Index: The Inequalities Of Hunger* (October 2017), appendix D. Available at www.globalhungerindex.org/pdf/en/2017/appendix-d.pdf.

[15] "Democratic People's Republic of Korea needs and priorities" (March 2018), pp. 4-5. Available from https://reliefweb.int/report/democratic-peoples-republic-korea/dpr-korea-needs-and-priorities-march-2018.

malnourished children under five years old received treatment and over 2 million people received nutritious food.[16]

40. In 2017, the total food production (in cereal equivalent) decreased by 7.42 per cent, from 5.89 million tons to 5.45 million tons. On the basis of the Government's target for the public distribution system ration size, a deficit in food supply was estimated at around 1.07 million tons — an increase of 10.86 per cent from the previous year.

41. On 21 June 2018, the Central Bureau of Statistics of the Democratic People's Republic of Korea and the United Nations Children's Fund (UNICEF) published the outcome of a multi-indicator cluster survey. According to the survey, 19.1 per cent of children under the age of five in the Democratic People's Republic of Korea suffered from stunting and 3 per cent from wasting. The survey revealed significant disparities between rural and urban areas, and among provinces in this regard. While 10.1 per cent of children in Pyongyang suffered from stunting, in Ryanggang Province in the north of the country 31.8 per cent were affected. The World Food Programme (WFP) is to conduct a qualitative food security assessment during the second half of 2018 to assist in understanding the risks of temporary and chronic food insecurity in the country.

42. Since the breakdown of the public distribution system in the 1990s, most people do not rely on State-provided food rations to fill their basic needs. Public distribution is mainly limited to people in professions considered by the Government to be of particular importance, including in the mining sector or security personnel, and to people living in Pyongyang.

43. Some factories reportedly distribute basic supplies to workers, depending on profits they make. The majority of the population does not benefit from public distribution and instead engages in informal trade or small-scale farming to fill food needs. In provinces along the border, people whose livelihoods depended on trade with China have reportedly been facing increasing financial hardship since late 2017 onwards, as trade with China declined and tighter border control made smuggling more difficult.

44. UNICEF reported that "despite the exemption granted to humanitarian assistance, the imposition of sanctions, coupled with donor fatigue, has reduced the availability of resources to address even the most pressing of life-threatening situations".[17] WFP reported that, owing to a shortage of funding, since November 2017 it put on hold nutrition support to 195,000 children in kindergartens.[18]

F. Right to health

45. The Constitution of the Democratic People's Republic of Korea provides for free health care for all citizens. However, the Government continues to face challenges in meeting this commitment. The quality and availability of health-care services remain limited, with rural areas facing the most severe shortcomings in access to basic health care. There is a severe shortage of basic essential allopathic medicines, which forces patients to purchase basic medicines on the private market or to depend on traditional medicine.

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[16] Ibid., p.10.

[17] UNICEF, "Situation analysis of children and women in the Democratic People's Republic of Korea — 2017". Available at www.unicef.org/dprk/Situation_Analysis_of_Children_and_Women_in_DPR_Korea_UNICEF_2017.pdf.

[18] WFP, "DPR Korea country brief", April 2018. Available at https://reliefweb.int/sites/reliefweb.int/files/resources/WFP%20DPRK%20Country%20Brief%20October%202017.pdf.

46. The multi-indicator cluster survey (see para. 41 above) found that the under-five mortality rate in the five years preceding it was at 15 per 1,000 live births — a decrease from 20 per 1,000 live births in the period 2010–2014.[19] Diarrhoea, related to poor sanitation and acute malnutrition, remains a leading cause of death among young children.[20]

47. Individuals held in prisons and detention centres face limited access to basic health care and medicine. Some former detainees described sick wards in prisons or detention centres, where ailing prisoners, including those suffering from tuberculosis and malnutrition, are reportedly separated from the rest of the prison population. Patients in the sick wards reportedly only receive treatment if their relatives are able to bring medicine. Moreover, the amount of food they receive is reportedly reduced because they are not engaged in manual labour.

48. With regard to sexual and reproductive health and rights, women are granted eight months of maternity leave, according to article 33 of the Law on the Protection and Promotion of Women's Rights (2010). The law also provides that public health institutions shall have facilities specific to women, and health education for girl students (article 20). In practice, sexual and reproductive health services are largely framed within the marital framework and provided mainly to married women. There are no programmes aimed at increasing access for unmarried women and men, particularly adolescents, to sexual and reproductive health information and services. In 2017, with the support of the United Nations Population Fund, a new national reproductive health strategy was developed, which includes provisions for expansion of choice in family planning methods targeting both men and women, including programmes for male participation. The multi-indicator cluster survey (see para. 41 above) found that 70 per cent of married women aged 15 to 49 had a met need for contraception, 5.2 per cent for spacing and 65.1 per cent for limiting pregnancy.[21]

G. Rights of the child

49. In September 2017, the Committee on the Rights of the Child reviewed progress by the Democratic People's Republic of Korea in implementing the Convention on the Rights of the Child on the basis of the fifth periodic report, submitted by the State in 2016.

50. In its concluding observations, the Committee expressed appreciation for the constructive dialogue held with the multisectoral delegation. It welcomed the progress achieved with regard to universal education, decreasing maternal and child mortality and the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2014 (see CRC/C/PRK/CO/5, paras. 2 and 3).

51. The Committee expressed various concerns, including about the limited availability of disaggregated data concerning children; torture and other cruel or degrading treatment or punishment of children; child labour; the situation of children deprived of a family environment; and malnutrition.

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[19] Central Bureau of Statistics and UNICEF, *Multiple Indicator Cluster Survey 2017: Survey Findings Report: Democratic People's Republic of Korea* (June 2018), p. 39. Available at https://mics-surveys-prod.s3.amazonaws.com/MICS6/East%20Asia%20and%20the%20Pacific/Korea%2C%20Democratic%20People%27s%20Republic%20of/2017/Final/Korea%20DPR%202017%20MICS_English.pdf.

[20] UNICEF, "Humanitarian Action for Children: Democratic People's Republic of Korea, 2018" (www.unicef.org/appeals/dprk.html).

[21] *Multiple Indicator Cluster Survey 2017* (note 19 above), p. 49.

52. While the Government stated that there was no forced child labour, monitoring by OHCHR and other organizations indicated that children were in some cases engaged in commercial activities or mobilized to conduct labour through the education system, particularly in rural areas. The multi-indicator cluster survey revealed that 5 per cent of children between 5 and 17 years old were engaged in child labour during the week prior to the survey, particularly in rural areas and within the lowest wealth group.[22]

53. The survey also revealed high rates of enrolment in primary, lower and upper secondary education, at 97, 96 and 95 per cent, respectively with no notable differences between girls and boys and no disparity between the rural and urban areas at the primary level. While the State provides free and compulsory education from primary to secondary school, monitoring by OHCHR revealed that students were required to contribute to the cost of books, school supplies and upkeep of facilities. In some cases, this prevents children from lower-income families from accessing education.

54. The Secretary-General continues to be concerned about the lack of information concerning the situation of juveniles in conflict with the law. During the review by the Committee on the Rights of the Child in September 2017 (see CRC/C/SR.2237, para. 57), the representative of the Democratic People's Republic of Korea stated that between 2014 and 2016, 13 children had been subjected to "social education measures" for periods from one to three years. While the Government declared that they reportedly enjoyed all their civil rights, and that those measures did not constitute a punishment or involve surveillance, their families, school and other social organizations "must report on their progress to the security services" twice a year.

H. Rights of persons with disabilities

55. On 6 March 2018, Catalina Devandas Aguilar, the Special Rapporteur on the rights of persons with disabilities, presented to the Human Rights Council the report on her visit to the Democratic People's Republic of Korea in May 2017 (A/HRC/37/56/Add.1). The Special Rapporteur's visit was the first ever to the country by an independent expert designated by the Human Rights Council. She welcomed the ratification of the Convention on the Rights of Persons with Disabilities in 2016 and related advancements. She also identified outstanding issues, including obstacles preventing persons with disabilities from gaining access to education and services on an equal basis with others, and from exercising their legal capacity.

56. The Special Rapporteur encouraged the Government to strengthen the legal and policy framework on the rights of persons with disabilities and to move towards implementation, enforcement and monitoring of the Convention. The Government provided detailed comments on the report, which were made public (see A/HRC/37/56/Add.3). It refuted, among other observations of the Special Rapporteur, that denial of freedom of movement within the country disproportionally affected persons with disabilities.

57. In May 2018, UNICEF signed a Programme Cooperation Agreement with Handicap International and the Korean Federation for the Protection of the Disabled to support the implementation of articles 7, 25 and 26 of the Convention on the Rights of Persons with Disabilities[23] and articles 2 and 23 of the Convention on the Rights

[22] Ibid., p. 135.

[23] Articles 7, 25 and 26 of the Convention on the Rights of Persons with Disabilities make provisions respectively, for the protection of children with disabilities; health; and habilitation and rehabilitation.

of the Child,[24] namely to ensure that children with disabilities can access inclusive and holistic health and rehabilitation care services. The Ministry for Foreign Affairs of the Democratic People's Republic of Korea endorsed this partnership.

58. The Secretary-General welcomes this constructive dialogue for the promotion and protection of the rights of persons with disabilities. He urges the authorities to continue to engage with the Special Rapporteur and to engage with other United Nations human rights mechanisms, and with United Nations agencies and humanitarian agencies, for this purpose.

I. Rights of women

59. In November 2017, the Committee on the Elimination of Discrimination against Women considered the combined second to fourth periodic reports of the Democratic People's Republic of Korea (CEDAW/C/PRK/2-4), submitted in 2016. In its concluding observations, the Committee welcomed the adoption of domestic legislation to protect the rights of women, as well as efforts to improve the institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality (CEDAW/C/PRK/CO/2-4, paras. 4 and 5).

60. At the same time, the Committee expressed concern that the prioritization of reconciliation and mediation in family disputes and divorce cases might not afford adequate protection to victims of domestic violence and might result in impunity for perpetrators. The Committee urged the authorities to develop a comprehensive strategy to eliminate discriminatory stereotypes and patriarchal attitudes concerning the roles and responsibilities of women and men. It also expressed concern about the lack of effective application of legislation, lack of information on the incidence of gender-based violence against women, including domestic violence, and the limited information available regarding cases of domestic violence being addressed in the courts (ibid., paras. 13, 24 and 25).

61. Information gathered by OHCHR indicates that domestic violence is common in the Democratic People's Republic of Korea. The authorities reportedly generally fail to take steps to investigate incidents of domestic violence, and facilities or services to assist victims are generally not available. There also appears to be little awareness about the Law on the Protection and Promotion of the Rights of Women adopted in 2010, which prohibits all forms of discrimination against women as well as violence against women in the family.

62. Many women who leave the Democratic People's Republic of Korea are trafficked across the border with China, sold to Chinese men or subjected to other forms of exploitation. Victims usually do not seek protection, fearing being forcibly returned to the Democratic People's Republic of Korea if they come into contact with the Chinese authorities. OHCHR has documented cases in which women, upon repatriation to the Democratic People's Republic of Korea, are held in detention centres where conditions fall below international standards. OHCHR also interviewed former detainees who reported a lack of access to adequate food and health care, torture and ill-treatment, including sexual violence by male prison guards and forced abortion.

[24] Articles 2 and 23 of the Convention on the Rights of the Child focus on the areas of non-discrimination and the rights of children with disabilities.

IV. Cooperation between the United Nations and the Government concerning the human rights situation in the Democratic People's Republic of Korea

63. The Government of the Democratic People's Republic of Korea took some steps to engage with the international human rights system during the reporting period. However, it continued to refuse to engage with the OHCHR office in Seoul, Republic of Korea, and with the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea appointed by the Human Rights Council.

A. Cooperation with United Nations intergovernmental bodies

64. In its resolutions 2375 (2017) and 2397 (2017), the Security Council condemned in the strongest terms the nuclear tests conducted by the Democratic People's Republic of Korea on 2 September 2017 and the ballistic missile launch of 28 November 2017, respectively. In both resolutions, the Council expressed concern that the Democratic People's Republic of Korea was diverting critically needed resources away from its people when they had great unmet needs.

65. On 11 December 2017, the Security Council discussed the situation of human rights in the Democratic People's Republic of Korea, for the fourth time since December 2014, and was briefed by the High Commissioner for Human Rights.[25] The Permanent Mission of the Democratic People's Republic of Korea to the United Nations in New York issued a statement condemning the convocation of the meeting by the Security Council.[26]

66. In its resolution 72/188 on the situation of human rights in the Democratic People's Republic of Korea, the General Assembly welcomed the report of the group of independent experts on accountability for human rights violations in the Democratic People's Republic of Korea (A/HRC/34/66/Add.1) and the options presented to seek accountability and secure truth and justice for all victims. It also welcomed the adoption of Human Rights Council resolution 34/24,[27] providing for the strengthening of OHCHR, including its field-based structure in Seoul. As in earlier resolutions adopted since 2014, the Assembly encouraged the Security Council to continue to consider the recommendations of the commission of inquiry on human rights in the Democratic People's Republic of Korea and take appropriate action to ensure accountability, including through consideration of referral of the situation to the International Criminal Court and consideration of the further development of sanctions in order to target effectively those who appear to be most responsible for human rights violations that the commission has said may constitute crimes against humanity. In a statement to the Assembly, the Democratic People's Republic of Korea categorically rejected the resolution, which it stated was a "conspiracy organized by the United States of America and other hostile forces" and a "manifestation of politicization, selectivity and double standards on human rights" (A/72/PV.73, p. 24).

67. In its resolution 37/28 of 23 March 2018 on the situation of human rights in the Democratic People's Republic of Korea(A/HRC/RES/37/28), the Human Rights

[25] "Security Council briefing on the situation in the Democratic People's Republic of Korea: statement by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein", 8 December 2017/(www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22526).

[26] "Press statement of Permanent Mission of DPRK to United Nations", 12 December 2017/(https://kcnawatch.co/newstream/1513099847-671868635/press-statement-of-permanent-mission-of-dprk-to-un/).

[27] *See Official Records of the General Assembly, Seventy-second Session, Supplement No. 53* (A/72/53), chap. IV, sect. A.

Council welcomed the steps taken to strengthen the capacity of OHCHR, including its field-based structure in Seoul, to allow the implementation of relevant recommendations of the group of independent experts on accountability. It requested the High Commissioner for Human Rights to submit a report to it at its fortieth session, in March 2019, on the implementation of the recommendations of the group of independent experts on accountability. The Democratic People's Republic of Korea rejected the resolution as an attempt to "tarnish the image" of the country, while stating that it "attaches importance to the international cooperation for promotion and protection of genuine human rights".[28]

B. Office of the United Nations High Commissioner for Human Rights

68. Pursuant to Human Rights Council resolution 25/25, the OHCHR office in Seoul continued to conduct monitoring, documentation, capacity-building and outreach activities. In that context, it engaged with Governments, civil society actors, individuals who had left the Democratic People's Republic of Korea, United Nations entities and humanitarian workers operating in the Democratic People's Republic of Korea and other stakeholders. The Democratic People's Republic of Korea rejected all cooperation pursuant to the resolution.

69. During the reporting period, the OHCHR office in Seoul continued to gather individual testimonies to corroborate information on allegations of human rights violations it had previously recorded and to seek information on any changes in the human rights situation in the Democratic People's Republic of Korea. As at July 2018, it had interviewed more than 240 individuals who had left the country.

70. In line with Human Rights Council resolution 34/24, and within the limits of resources approved by the General Assembly, OHCHR has taken steps towards implementing recommendations of the group of independent experts on accountability for human rights violations in the Democratic People's Republic of Korea. This includes the reinforcement of legal and technical expertise through an accountability project which foresees the establishment of a central repository for information and evidence and the assessment of all information and testimonies collected by OHCHR with a view to developing possible strategies for future accountability processes.

71. A high-level expert started working in March 2018 to lead this project. She undertook a mission to Seoul in May 2018 to meet with a range of relevant actors. In addition, staff members with legal expertise began working with the office in Seoul in July 2018 to strengthen monitoring, legal expertise and develop possible prosecution strategies. Initial steps were also taken towards establishing the repository. Through an oral update by the Deputy High Commissioner for Human Rights, the Human Rights Council was informed about the progress made in this regard on 14 March 2018. A full report on progress made by OHCHR will be presented to Human Rights Council at its fortieth session. Given the financial implications of this project, OHCHR will apply an incremental approach, based on the availability of resources.

72. On 11 December 2017, the office in Seoul held a seminar to consider the impact of engagement of the Democratic People's Republic of Korea with the universal periodic review, treaty bodies and special procedures and to identify good practices and ways forward. The seminar was attended by around 70 representatives of civil society organizations, diplomatic missions and media outlets. Through engagement

[28] Press statement of the Permanent Mission of the Democratic People's Republic of Korea to the United Nations Office and other international organizations in Geneva, 23 March 2018.

with relevant Governments and diplomats, the office advocated the inclusion of human rights in talks between the Democratic People's Republic of Korea and other countries.

C. United Nations human rights mechanisms

73. The visit of the Special Rapporteur on the rights of persons with disabilities and the cooperation of the Democratic People's Republic of Korea with the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women are detailed in the relevant sections of the present report.

74. At its 114th session, the Working Group on Enforced and Involuntary Disappearances transmitted 16 newly reported cases to the Government of the Democratic People's Republic of Korea. It considered the replies of the Government as insufficient to lead to the clarification of the cases (see A/HRC/WGEID/114/1, paras. 37–39). As at 2 May 2018, there were 233 outstanding cases transmitted to the Government by the Working Group.

75. The Secretary-General urges the Government of the Democratic People's Republic of Korea to build on its initial engagement with United Nations human rights mechanisms and to accept offers of technical support for the promotion and protection of human rights of people living in the Democratic People's Republic of Korea.

D. United Nations entities operating in the Democratic People's Republic of Korea

76. The United Nations system in the Democratic People's Republic of Korea continued to operate under significant constraints imposed by the Government. The lack of independent contact with the local population and consultations with beneficiaries during the programming process remain a significant obstacle to the United Nations efforts to develop and implement a needs-based and human rights-based approach to its humanitarian programmes. While field access continues to depend on authorizations by the Government, access and monitoring conditions have improved in recent years following ongoing engagement between United Nations agencies and the Government to allow for adequate implementation of humanitarian activities.

77. Sanctions imposed on the country, while not intended to affect humanitarian assistance, have continued to generate serious, unintended consequences and major impacts on life-saving humanitarian programmes owing to disruptions to the banking channel, the breakdown of supply chains, delays in the transportation of vital goods into the country and a steady decline in donor funding.

78. The Secretary-General encourages the Government to review its policies in line with the recommendations accepted in the 2014 Universal Periodic Review on the delivery of humanitarian assistance, in order to strengthen the effectiveness of United Nations assistance to the population. In particular, the Secretary-General urges the Government to lift restrictions on the freedom of movement of United Nations personnel and to grant them full access to beneficiaries to enable the collection of relevant disaggregated data and ultimately ensure that assistance benefits the most vulnerable.

V. Conclusions

79. The Secretary-General welcomes steps taken by the Government to de-escalate tension and improve the political situation on the Korean Peninsula. He welcomes the moratorium on missile launches and nuclear tests and the planned resumption of family reunion events.

80. The Secretary-General also welcomes steps taken by the Government to continue to cooperate with international human rights mechanisms, including with the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women.

81. The Secretary-General welcomes continued efforts within the United Nations to follow up on the findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea, which emphasized the need for profound structural reforms to promote and protect the rights of the population.

82. The Secretary-General recalls that peace and security, development and human rights are interrelated and mutually reinforcing. He is concerned about continuing reports of grave violations taking place in the Democratic People's Republic of Korea and urges efforts towards addressing these violations, as lack of respect for human rights risks undermining efforts to improve security and development.

83. The Secretary-General stresses that improvement of the human rights situation and the humanitarian situation in the Democratic People's Republic of Korea must remain high on the international agenda and be regularly discussed, including at the Human Rights Council, the General Assembly and the Security Council.

VI. Recommendations

84. The Secretary-General recommends that the Government of the Democratic People's Republic of Korea:

(a) Comply with its obligations arising from international human rights law, including the five core human rights treaties ratified by the State;

(b) Accept and implement all the recommendations made by international human rights mechanisms, including treaty bodies;

(c) Take concrete steps to follow up on the findings and recommendations of the Special Rapporteur on the rights of persons with disabilities following her visit;

(d) Engage actively with the third cycle of the universal periodic review and translate commitments from past cycles into concrete action to effectively improve the human rights situation throughout the country;

(e) Cooperate with the international community in relation to the implementation of Human Rights Council resolution 37/28 on the situation of human rights in the Democratic People's Republic of Korea;

(f) Engage constructively with the United Nations system, including the Office of the United Nations High Commissioner for Human Rights and its office in Seoul;

(g) Take necessary measures to address the findings and recommendations of the commission of inquiry and the group of independent experts on accountability for human rights violations in the Democratic People's Republic of Korea and engage with the international community towards their implementation, including the adoption of measures to address the concerns expressed regarding systematic, widespread and grave human rights violations and the associated impunity;

(h) Provide free and unimpeded access to United Nations and humanitarian agencies throughout the territory of the Democratic People's Republic of Korea, including to collect critical data, to allow adequate responses to the needs of the population.

85. **The Secretary-General recommends that the international community:**

(a) Consider appropriate follow-up action to the report of the commission of inquiry, in accordance with Human Rights Council resolutions 25/25, 28/22, 31/18, 34/24 and 37/28 and General Assembly resolutions 69/188, 70/172, 71/202 and 72/188;

(b) Consider appropriate follow-up action to the report of the group of independent experts, in accordance with Human Rights Council resolutions 34/24 and 37/28;

(c) Provide adequate and sustainable funding for humanitarian assistance, especially food and medicine, with a view to improving humanitarian conditions and the human rights situation;

(d) Take urgent steps to minimize the adverse humanitarian consequences of sanctions imposed on the Democratic People's Republic of Korea by extending full support to the United Nations agencies working in the country;

(e) Ensure that measures to improve respect for and protection of human rights in the Democratic People's Republic of Korea form a core part of current efforts to pursue durable peace and security in the Korean Peninsula.